

**SUPPLEMENT TO DISPUTE RESOLUTION MEMORANDUM  
REGARDING CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE  
GUADALUPE FLOOD CONTROL PROJECT**

The Signatories to the Dispute Resolution Memorandum hereby state their support for the U.S. Army Corps of Engineers (Corps), Santa Clara Valley Water District (SCVWD), City of San Jose, and City of San Jose Redevelopment Agency, to proceed with completion of Contract 3C of the Guadalupe River Flood Control Project.

1. The Dispute Resolution Memorandum dated Sept. 9, 1998 (DRM) provides that construction of Contract 3C could proceed in advance of the final approval of the proposed project for Contract 3, on satisfaction of the conditions stated in Section III thereof.

2. The Signatories hereby confirm satisfaction of those conditions.

A. Consistent with Dispute Resolution Memorandum, paragraph III.2.A, a mitigation and monitoring plan substantially in conformity with Dispute Resolution Memorandum Section IV was developed by April 15, 1999. The draft mitigation and monitoring plan is attached. The Signatories affirm that the draft will be modified as provided therein, including incorporating the findings of a completed hydraulic and geomorphic analysis.

B. Consistent with Dispute Resolution Memorandum, paragraph III.2.B, the Corps and the SCVWD, to the maximum extent feasible, have constructed measures to mitigate existing Shaded Riverine Aquatic cover (SRA) and other riparian impacts caused by Contracts 1 and 2. The attached table documents the status and schedule for the ongoing construction of those mitigation measures.

C. Consistent with Dispute Resolution Memorandum, paragraph III.2.C, the Corps and the SCVWD, have undertaken measures to mitigate the potential impacts of Contract 3C. They will complete additional measures, as indicated in the attached table, concurrent with or prior to construction of Contract 3C. The Signatories confirm that these completed and additional measures will be adequate to mitigate the impacts of Contract 3C.

3. The Corps, in cooperation with the SCVWD, will obtain final regulatory approval for Contract 3C prior to beginning construction of Contract 3C, consistent with Dispute Resolution Memorandum, paragraph III.2.D.

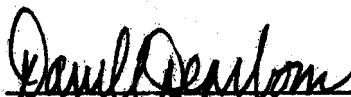
4. The Signatories support the construction of Contract 3C in light of the satisfaction of these conditions, and on the understanding that Contract 3 will proceed in all other respects as provided in the Dispute Resolution Memorandum.

5. The undersigned representatives of the Signatories will encourage their respective organizations to ratify this Supplement to the Dispute Resolution Memorandum. The undersigned will confirm such ratification in appropriate written form by June 15, 1999.

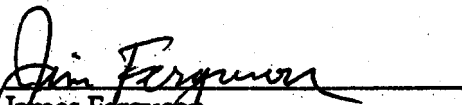
6. Ratification



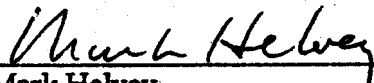
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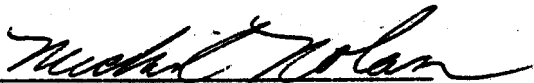
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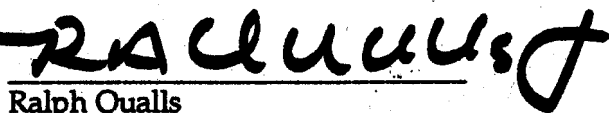
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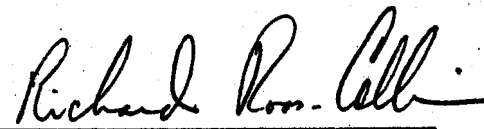
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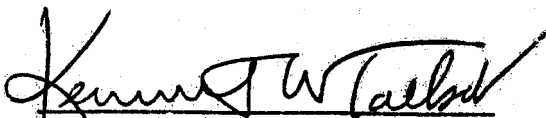
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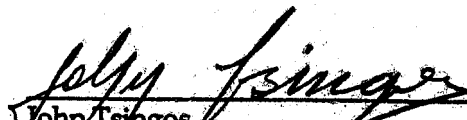



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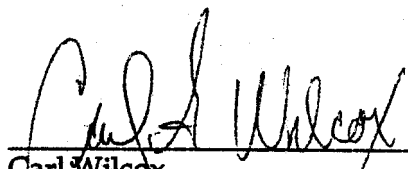
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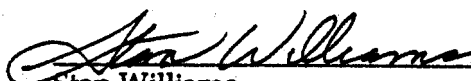
  
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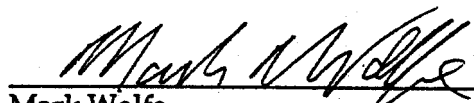
  
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